

**BPS-309**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

**NO. 05-2391**

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**UNITED STATES OF AMERICA**

**v.**

**JASON J. SMITH,**

**Appellant**

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**On Appeal From the United States District Court  
For the Western District of Pennsylvania  
(D.C. Crim. No. 95-cr-00002-1E)  
District Judge: Honorable Sean J. McLaughlin**

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**Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)  
July 14, 2005**

**Before: RENDELL, FISHER AND VAN ANTWERPEN, CIRCUIT JUDGES**

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**JUDGMENT**

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This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted for possible dismissal under 28 U.S.C. § 1915(e)(2)(B). On consideration whereof, it is now here

ORDERED AND ADJUDGED by this court that the appeal is dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii). Appellant's motions for appointment of counsel and reconsideration of the denial of his motion for costs are denied. All of the above in accordance with the opinion of this Court.

ATTEST:



Acting Clerk

DATED: July 29, 2005

Certified as a true copy and issued in lieu  
of a formal mandate on 9/21/05

Teste:

  
Clerk, U.S. Court of Appeals for the Third Circuit